

Remarks

Upon entry of the foregoing amendment, claims 1-11, 16-18, 21-25, 27-31, 55-57, 61-63, and 66 are pending in the application, with 1, 31 and 55 being the independent claims. Claims 1, 31, 55, 57, 62 and 63 are amended. Support for the claim amendments may be found in the original claims and throughout the specification, specifically at paragraph 46. Thus, no new matter is added by way of these amendments, and their entry is respectfully requested.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections.

Claim Status

Claim 63 has been amended to show the proper makings to indicate that changes have been made relative to the prior set of claims. In view of the amendment, claim 63 does comply with 37 CFR 1.121.

Claim Objections

Claim 1 has been amended to include the proper punctuation at the end of the claim, thus rendering the objection moot.

Claim 63 has been amended to delete the second “wherein” in the claims, thus rendering the objection moot.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 57 and 62 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter for which applicant regards as the invention.

Claim 57 has been amended to refer to “biological macromolecules” instead of “nucleic acid.” Accordingly, claim 57 has sufficient antecedent basis, thus rendering the rejection moot.

Claim 62 was rejected as lacking a transitional phrase between “filter” and “one or more materials . . .” Claim 62 has been amended to contain the transitional phrase “comprises” between “filter” and “one or more materials . . .,” thus rendering the rejection moot.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-11, 16-18, 21-25, 27-31, 55-57, 61-63 and 66 were rejected under 35 U.S.C. 102(b) as being anticipated by Jones (PCT WO95/02049). Applicants respectfully disagree.

An anticipation rejection under 35 USC § 102(b) requires showing that each limitation of a claim is found in a single reference, practice, or device. *See Kalman v. Kimberly Clark Corp.*, 713 F.2d 760, 771 (Fed. Cir. 1983), *cert. denied*, 465 U.S. 1026 (1984). The present invention discloses a filtration apparatus comprising two filters (see specification at paragraph 46), with a first filter directly on top of a second filter so that the first filter is contacted with a sample (*i.e.*, biological macromolecules) immediately before the second filter is contacted with said sample. Jones discloses two filters separated by a conduit and a chamber (see Jones page 22 and corresponding figure 5; structures 47 & 48). Thus, the present claims are novel over Jones.

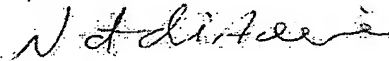
In view of the amendments and comments presented above, applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

Conclusion

All of the stated grounds of objections and rejections have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,



Natalie A. Davis
Patent Agent
Invitrogen Corporation
Registration. No. 53,849

Date: June 15, 2006